

## **REMARKS**

Claims 1-59 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 101 Rejection:**

The Examiner rejected claims 1-59 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully traverse this rejection for at least the following reasons.

Applicants claims clearly recite a practical application, and not a judicial exception of an abstract idea, law of nature or natural phenomenon. For example, claim 1 recites a computer program process generating an association between information objects and user defined for different computer-implemented source resources. The practical application for generating such an association in a computer system is clearly described in Applicants' specification, for example, to synchronize updates to different accounts on different computer-implemented source resources for the same user. This is clearly not an abstract idea, but a real world application. The association generated by the computer program process is clearly a useful, concrete and tangible result. For example, the association may be stored as a virtual identity in an index as illustrated in FIG. 3. This is clearly a useful, concrete and tangible result. An association generated in a computer system clearly has a concrete and tangible form as data in the computer system. Also, the usefulness is also clearly described in the specification, such as to synchronize updates to different accounts on different computer-implemented source resources for the same user. The Examiner has never provided any explanation of why the computer program process generated association of claim 1 is not a useful, concrete and tangible result. Thus, the Examiner's rejection is completely conclusory and improper.

Moreover, the Examiner's rejection does not follow the Office Guidelines on patentable subject matter. According to the most recent Office Guidelines on patentable subject matter, the "useful, concrete and tangible result" analysis only applies if the Examiner has first established a *prima facie* case that the claimed invention claimed invention covers a law of nature, natural phenomenon or abstract idea. See Guidelines IV.C.1. Since the Examiner has never explained how the invention of claim 1 covers a law of nature, natural phenomenon or abstract idea, the Examiner has failed to state a proper rejection. Applicants claims are clearly not directed to a law of nature, natural phenomenon or abstract idea. For example, claim 1 is specific to a computer-implemented source resource containing a set of information objects that defines a set of users. Claim 1 also requires using the source resource definition for each source resource to discover the set of users from the source resource. Claim 1 also requires defining an additional resource containing a second set of information objects that corresponds to a user from the set of users, and using the additional resource definition to discover the second set of information objects from the additional resource. Moreover, claim 1 requires generating an association of each information object from the second set of information objects with the corresponding user from the set of users and with the additional resource. Clearly, claim 1 does not cover a law of nature, natural phenomena or abstract idea. There is nothing abstract about the method of claim 1. The Examiner's assertion that claim 1 is directed to an abstract idea is entirely conclusory and is not based on any logical reasoning. Claim 1 is clearly directed to a very practical application. As stated in the Guidelines at IV.C.2.b: "The claim must be examined to see if it includes anything more than a § 101 judicial exception [e.g., abstract idea]. If the claim is directed to a practical application of the § 101 judicial exception producing a result tied to the physical world ... then the claim meets the statutory requirement of 35 U.S.C. § 101." (emphasis added). Since the Examiner has never explained how the invention of claim 1 covers a law of nature, natural phenomenon or abstract idea, the Examiner has failed to state a proper rejection.

**Furthermore, as discussed above, the invention as recited in claim 1 clearly provides a useful, concrete and tangible result.** Claim 1 recites generating an

association of each information object from a second set of information objects with the corresponding user from a set of users and with an additional resource. The Examiner states that the claimed invention is silent about any tangible result that comes after the generating. However, the generated association is a useful, concrete and tangible result. According to the Guidelines, “The tangible requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus or must operate to change articles or materials to a different state or thing.” (emphasis added). Moreover, the association generated by a computer program process would inherently constitute tangible data within a computer.

Applicants refer the Examiner to *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998) where the court stated that the relevant claim was statutory because “the transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application … because it produces ‘a useful, concrete and tangible result’ – a final share price”. Just like the implicitly produced final share price in *State Street* was considered a useful, concrete and tangible result and thus statutory, the explicitly generated association of each information object from a second set of information objects with the corresponding user from a set of users and with an additional resource, as recited in claim 1, is clearly a useful, concrete and tangible result and is thus statutory. Note that the final share price was not even explicitly recited in the claim in *State Street*. Moreover, as discussed by the court in *State Street*, the final share price was tangible as data in a computer system. The same analysis as in *State Street* applies to the generated association of claim 1.

Even more on point, Applicants also refer the Examiner to *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 50 USPQ2d 1447 (Fed. Cir. 1999). The claim in the *AT&T* case recites “**generating** a message record” and was held to be statutory. In regard to patentable subject matter, there is no difference between the generated message record in *AT&T* and the generated association of claim 1 in regard to statutory subject matter.

In the Final Action, the Examiner questions the similarity of the association generated by the computer program process with the message record generated in *AT&T*. In response, Applicants note that the same reasoning applied by the Federal Circuit to the generated message record in *AT&T* applies to the generated association of claim 1. The generated association of claim 1 is every bit as useful, concrete and tangible as the message record of *AT&T*. The Examiner has not provided any basis for distinguishing the claim in *AT&T* from the claims of the present application.

Similar arguments apply to the other independent claims.

## **CONCLUSION**

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-96801/RCK.

Respectfully submitted,

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